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5 Special Counsel for Appellant  
**RICHARD KIPPERMAN, Chapter 7 Trustee**  
 6  
 7

8 **UNITED STATES BANKRUPTCY COURT**  
 9 **SOUTHERN DISTRICT OF CALIFORNIA**  
 10

11 In re:	)	<b>CASE NO. 99-33191-B7</b>
12 <b>SARA NEWSOME BURNS</b> , an individual,	)	<b>ADV. NO. 01-90355-B7</b>
13	)	
14 Debtor.	)	<b>AMENDED NOTICE OF APPEAL</b>
15 <b>RICHARD KIPPERMAN</b> , Trustee,	)	APPEAL NO. <u>1</u>
16	)	
17 Plaintiff,	)	
18 v.	)	
19 <b>BRADLEY PROULX</b> , an individual,	)	
20	)	
21 Defendant.	)	
22	)	

23 Richard Kipperman, the Chapter 7 trustee and plaintiff herein, appeals under 28 U.S.C.  
 24 § 158(b) to the Bankruptcy Appellate Panel from the "*Order Granting Proulx's Motion for*  
 25 *Summary Judgment*" entered on December 28, 2001, by the Bankruptcy Court in this adversary  
 26 proceeding, a copy of which is attached hereto as Exhibit 1 and the judgment entered thereon in  
 27 substantially the form attached hereto as Exhibit 2.

28 ///

ROBBINS & KEEHN, APC  
ATTORNEYS AT LAW  
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1 The parties to the Judgment appealed from and the names, addresses, and telephone  
2 numbers of their respective attorneys are as follows:

3 L. Scott Keehn, Esq.  
4 Lisa L. Keehn, Esq.  
5 ROBBINS & KEEHN,  
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11 RICHARD KIPPERMAN, Chapter 7 Trustee

8 Bryan D. Sampson, Esq.  
9 Elizabeth Aronson, Esq.  
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12 San Diego, CA 92101  
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14 Attorneys for Defendant,  
15 BRADLEY PROULX

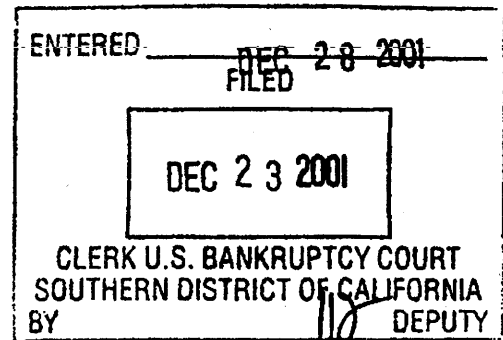
16 Dated: January 4, 2002

**ROBBINS & KEEHN**  
A Professional Corporation

By: /s/ Lisa L. Keehn  
L. Scott Keehn  
Lisa L. Keehn  
Special Counsel for Appellant  
**RICHARD KIPPERMAN,**  
**Chapter 7 Trustee**

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Attorneys for Creditor  
**BRADLEY PROULX**



**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In re:  
**SARA NEWSOME BURNS,**  
 Debtor.  


---

**RICHARD KIPPERMAN, Trustee**  
 Plaintiff,  
 v.  
**BRADLEY PROULX, an individual**  
 Defendant.

CASE NO. 99-33191-B7

Adv. No.: 01-90355-B7

Chapter 7

**ORDER GRANTING PROULX'S  
 MOTION FOR SUMMARY JUDGMENT**

Date: December 17, 2001  
 Time: 2:30 p.m.  
 Ctrm: 4  
 Judge: Hon. Peter W. Bowie

Creditor/Defendant BRADLEY PROULX's motion for summary judgment in response to Plaintiff RICHARD KIPPERMAN's Complaint To Determine Nature and Extent of Trustee's Lien And For Declaratory Relief based upon 11 U.S.C. §544(a)(1) came before this court on the above date and time, the Honorable Peter W. Bowie, presiding. Creditor BRADLEY PROULX appeared through his counsel, Elizabeth Aronson. Trustee RICHARD KIPPERMAN was present and appeared through his counsel, L. Scott Keehn. Upon reviewing the pleadings filed by the parties and hearing oral argument presented by both parties, and good cause appearing therefor:

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///

1 The Court's findings of fact and conclusions of law were stated orally by the Court, and  
2 recorded in open session, following the close of argument, and, are incorporated herein by this  
3 reference pursuant to Rules 7052 and 9014 of the Federal Rules of Bankruptcy Procedure, and  
4 Rule 52(a) of the Federal Rules of Civil Procedure.

5 Based upon the foregoing,

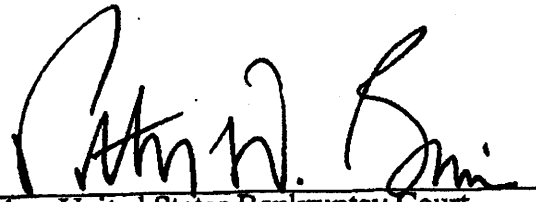
6 **IT IS HEREBY ORDERED, that,**

7 1.0 Creditor PROULX's motion for summary judgment is GRANTED as to the non-  
8 avoidability of PROULX's ORAP lien under California Code of Civil Procedure Section 708.110;  
9 and

10 2.0 Creditor PROULX's motion for summary judgment is DENIED in all other  
11 respects.

12 **IT IS SO ORDERED.**

13  
14 Dated: DEC 23 2001

  
Judge, United States Bankruptcy Court

15  
16 NOTICE: Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011  
17 that the relief provided by the order is the relief granted by the court.

18 Submitted by:

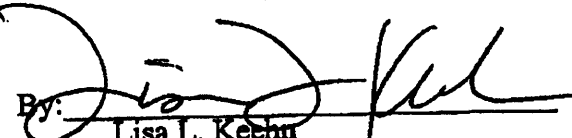
19 December 20, 2001

  
Bryan D. Sampson

20 Approved as to form.

21 DATED: 12/20/01

22 ROBBINS & KEEHN  
A Professional Corporation

23  
24 By:   
25 Lisa L. Keehn  
26 Counsel for Plaintiff and Chapter 7  
27 Trustee Richard Kipperman  
28

**SAMPSON & ASSOCIATES**  
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Attorneys for Creditor  
**BRADLEY PROULX**

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In re:

SARA NEWSOME BURNS,

Debtor

RICHARD KIPPERMAN, Trustee

Plaintiff,

v.

BRADLEY PROULX, an individual

Defendant.

CASE NO. 99-33191-B7

Adv. No.: 01-90355-B7

Chapter 7

**JUDGMENT**

Date: December 17, 2001

Time: 2:30 p.m.

Ctrm: 4

Judge: Hon. Peter W. Bowie

Defendant/Creditor BRADLEY PROULX's Motion for Summary Judgment came for hearing against Plaintiff/Chapter 7 Trustee RICHARD KIPPERMAN on the above date and time, the Honorable Peter W. Bowie presiding. Creditor BRADLEY PROULX appeared through his counsel, Elizabeth Aronson. Trustee RICHARD KIPPERMAN was present and appeared through his counsel, L. Scott Keehn. Upon reviewing the pleadings filed by the parties and hearing oral argument presented by both parties and awarding summary judgment in favor of Judgment Creditor BRADLEY PROULX;

The court's findings of fact and conclusions of law were stated orally by the Court, and recorded in open session, following the close of argument, and are incorporated herein by this reference pursuant to Rules 7052 and 9014 of the Federal Rules of Bankruptcy Procedure and Rule 52(a) of the Federal Rules of Civil Procedure.

1 IT IS SO ORDERED that Defendant/Creditor BRADLEY PROULX shall have judgment  
2 against the bankruptcy estate of Chapter 7 Debtor Sara Newsome Burns.

3 IT IS HEREBY FURTHER ORDERED that the amount of Defendant/Secured Creditor  
4 BRADLEY PROULX's secured claim as of the date of the petition of August 11, 1999, in the amount  
5 of the \$150,000.00 cash fund, as defined in the complaint, plus interest accrued thereon.

6 IT IS SO ORDERED.


7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge, United States Bankruptcy Court

9  
10 NOTICE: Signature by the attorney constitutes a certification under Federal Rule of Bankruptcy  
11 Procedure 9011 that the relief provided by the Order is the relief granted by the Court.

12 Submitted by:

13 January 4, 2002

  
\_\_\_\_\_  
Bryan D. Sampson, Esq.

14  
15 Approved as to form.

16 DATED: 1-4-02

**ROBBINS & KEEHN**

17  
18  
19 By:  \_\_\_\_\_

L. Scott Keehn, Esq.  
Attorney for Plaintiff and  
Chapter 7 Trustee Richard Kipperman